

**Notice of Allowability**

Application No.

10/775,910

Examiner

Tu-Tu Ho

Applicant(s)

MUSK, ROBERT WILLIAM

Art Unit

2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Paper filed 02/10/2004 and 07/09/2004.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ The drawings filed on 10 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
David Nelms  
Supervisory Patent Examiner  
Technology Center 2800

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-11 are allowable over the prior art of record.

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or render obvious a power monitoring arrangement for semiconductor light emitting devices used in optoelectronic packages and a method of forming thereof with all exclusive limitations as recited in claims 1, 5, and 8, comprising a base with a mounting surface, a light emitting device located on the mounting surface and including a monitoring output and an active output, a monitor photodetector located on the mounting surface and including a light sensitive region, a hemisphere positioned so as to include at least the light sensitive region and the monitoring output, an outer surface of the hemisphere reflecting light from the monitoring output to the light sensitive region.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Copies of the references are not being furnished with this Office Action per MPEP § 707.05(a).

a. U.S. Patent 5,675,597 to Shigihara discloses a semiconductor laser device with constant intensity output by using a photodiode to monitor directly a rear facet light of a laser chip. However, the reference fails to disclose a hemisphere positioned so as to include at least portions of the photodiode and the laser chip, and further fail to disclose that an outer surface of the hemisphere reflects light from the laser chip to the photodiode.

b. U.S. Patent 6,535,538 to Lee et al. discloses a surface emitting laser device with monolithically integrated monitor photodetector to produce an output with a constant intensity. However, the reference fails to disclose a hemisphere positioned so as to include at least portions of the photodetector portion and the lasing portion, and further fail to disclose that an outer surface of the hemisphere reflects light from the lasing portion to the photodetector portion.

c. U.S. Patent 5,761,178 to Fukakusa et al. discloses an optical recording medium having a light sensor 7 for receiving a portion of light from a light emitting element 1 so that an output of light emitting element is constant. The reference also discloses a reflector to reflect the portion of light, but fails to disclose a hemisphere positioned so as to include at least portions of the light sensor and the light emitting element, and further fail to disclose that an outer surface of the hemisphere reflects light from the light emitting element to the light sensor.

Art Unit: 2818

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu-Tu Ho whose telephone number is (571) 272-1778. The examiner can normally be reached on 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID NELMS can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tu-Tu Ho  
December 20, 2004



David Nelms  
Supervisory Patent Examiner  
Technology Center 2800